

CITY OF TAKOMA PARK, MARYLAND
(Adopted May 9, 2005)

PRESENTATIONS, REGULAR MEETING AND WORKSESSION
OF THE CITY COUNCIL

Monday, April 25, 2005

OFFICIALS PRESENT:

Mayor Porter	City Manager Matthews
Councilmember Austin-Lane	Deputy City Manager Hobbs
Councilmember Barry	Community and Gov't. Liaison Ludlow
Councilmember Elrich	Acting City Clerk Carpenter
Councilmember Mizeur	HCD Director Daines
Councilmember Seamens	Affordable Housing Manager Walker
Councilmember Williams	Deputy Public Works Director Braithwaite
	Library Director Robbins

The Council convened at 7:43 p.m. in the Council Chambers of the Municipal Bulding, 7500 Maple Avenue, Takoma Park, Maryland.

Mayor Porter reported that Council held an Executive Function Session prior to the City Council meeting to continue the evaluation of the City Attorney. Another session will be scheduled for 6:30 p.m. next week.

COUNCIL COMMENTS

Ms. Austin-Lane announced the Takoma Park Film Festival kick-off meeting, set for May 3, 7:30 p.m. This is an opportunity to meet with old committee members and start talking about how to turn over things to the new members. The festival will be held here in the new community center in the fall. Ms. Austin-Lane noted the Friends of Sligo Creek event last weekend. Participants pulled invasive species from Sligo Creek Park.

Mr. Williams commented on his concern with Mr. Seamens' testimony at a recent Park and Planning public hearing on the capital budget. Mr. Williams proposed a future agenda item for Council discussion on protocol about how Councilmembers present themselves, and how they represent the City in official settings outside the city. He would also like to discuss to what extent future City Councils should be briefed on, and feel bound by, policies set by previous City Councils. (Statement attached.)

Mr. Seamens announced that there will be a memorial service for his mother this coming Saturday, 12:30 p.m. at Joshua Group Ministries. A repast will follow the service.

Ms. Austin-Lane reported on recent discussions with County officials concerning the District's

ban on hazardous materials transport by rail. She asked the City to request a copy of the CSX security plan. She said communicating our resolution along with a request for the security plan would be appropriate under our resolution.

Council had no objection to proceeding with this.

Ms. Austin-Lane said as a result of the skate park proposed for Silver Spring and in Takoma Piney Branch Park, young people and advocates for the projects are interested in looking at what we have done. She has she wants to be sure we are doing what we can to clarify this issue and has invited them to walk through our site.

Mr. Barry reported that Delegate Franchot provided funding for a bus shelter on the north side of New Hampshire. Two other shelters, which had been knocked down, were also reconstructed. He noted that we still don't have power to the pedestrian signals at New Hampshire Avenue and Sligo Creek Parkway. We are still awaiting word from SHA and Pepco.

Mr. Barry also reported that he attended meeting about a pilot program for ESL and job training for folks in the Crossroadsa area. The pilot project will go forward in the near future. The program is looking for temporary space. Montgomery College, Prince George's Community College, and Columbia Union College will provide courses for the program.

ADDITIONAL AGENDA ITEMS

There were no additional agenda items

ADOPTION OF MINUTES - 10/25/04; 11/15/04

Motion by Williams; second by Austin-Lane.

The minutes were adopted (VOTING FOR: Porter, Austin-Lane, Barry, Mizeur, Seamens, Williams; ABSENT: Elrich).

PUBLIC COMMENT PERIOD

Lorraine Pearsall, Historic Takoma, Inc., spoke about the 31st Annual House and Garden Tour. This year's tour is called "Sylvan Suburb." Ms. Pearsall also noted that Historic Takoma is trying to find a home for the archives.

Paul Christowski, 7708 Takoma Avenue, commented that Montgomery County has gone to a new recycling bin, large plastic, 50 gallon to hold co-mingled paper. I would encourage the City to move toward this. It encourages compliance and keeps paper from blowing around.

Paul Roat, 6505 Kansas, spoke about the tree ordinance. On May 23 we applied for removal of

three trees, and paid \$25 with the application. One sits close to a four foot retaining wall. The wall cannot be repaired without removal of the tree. The second tree creates a hazard because it is 11.5 inches from the garage wall and has an underground electric supply cable. The third tree, at the back corner of the garage, is unsightly. He submitted photos. We must pay \$525 to remove these trees. Retired folks are struggling hard to pay taxes. We need help. I don't think any of us can afford \$525 to remove trees. Mr. Rout asked for help with the issue.

Ms. Porter asked Mr. Williams and the City Manager to follow up on this issue.

Re-ordered the agenda.

2. Resolution re: Jan Schwartz

Ms. Mizeur said I take great honor in moving this resolution and am saddened to lose Jan as a resident. For 25 years she has been a good neighbor, contributor, and pillar of the community. When I was running for office, people said, "well, what does Jan think about you?" I've only known you for a couple of years. I wish you well in your new adventures.

Second by Elrich.

Ms. Porter commented I got to know Jan years ago. You never get to know anyone until you work on a project like One Takoma. We recognize her contribution to that. It is not possible to fully credit you with that effort. Without the effort of One Takoma, we would not have had unification. One thing that stands out is your work on phone banking and lobbying.

Mr. Elrich thanked Jan for her many years of contributions. You were one of the first community activists I met. You helped reshape Takoma Park. It has been a pleasure working with you. You left something in this community that you were part of. I was quite upset when I heard that you were leaving. You will really, really be missed.

Ms. Austin-Lane said I feel you were one of my residents with Finewares on Carroll Avenue. You contributed to the business community in so many ways, serving as officer in OTBA. You have been a strong supporter of the business community and have provided good advice on marketing and presentation. You were always there to try to help them get the most impact. Appreciate your inclusiveness. We really do miss you already. I feel lucky that you will come back and visit.

Mr. Seamens said I didn't realize you were a resident of just a single ward. I certainly remember you for your support of the business community. You were always active and a contributing member of the community. It has been a pleasure knowing and learning from you.

Laurie Lester, commented on Ms. Schwartz' knowledge about issues, her sponsorship of youth baseball, work with the business community, House and Garden Tour, the neighborhood and the neighborhood safety patrol.

Lorraine Pearsall, Historic Takoma, commented that Ms. Schwartz had the foresight to realize how important the House and Garden Tour could be to the community. In 2000, Jan worked to transition the tour to Historic Takoma. Her strength, guidance, and spirit was an inspiration. When I became seriously ill in 2001, Jan, stepped right up to the plate and kept it going.

Ellen Robbins, Library Director, wanted to thank Jan for her many contributions on the board of the Friends of the Library. She was responsible for much good spirit and positive energy. She seemed to know just about everyone in Takoma Park. I was really happy to be a part of it. She was generous in donating for the silent auction. Ms. Robbins presented a small gift.

Mary Stover, OTBA, said Jan was my buddy for the last two years; she taught me the ropes. We are so proud of you. Thank you so much.

Eileen Sobbeck, Carroll Avenue, said she moved to Takoma Park because of Jan. When I was looking for a place to live, the Blue Cottage made me know I wanted to live here. I did Christmas shopping at Finewares. Jan helped get me interested and involved in Sensible Growth. Jan knew the history; who to talk to. I will miss Jan's advice about who to call and who to talk to.

Bruce Moyer, 6907 Westmoreland Avenue, said as a patron of Finewares, I knew that half the time spent there would be picking out an item, and the other half would be spent talking about civic affairs. I always left with an assignment. You have been an inspiration to all of us.

Faith Wheeler, Takoma DC, noted she has received many gifts purchased at Finewares. She spoke about Jan as teacher.

Dan Robinson, commented that when he went to an OTBA meeting for first time in a while, parking came up. I was drawn in to work on that and now I'm involved in Main Street, and other things as well.

Maureen Lilly, Garland Avenue, commented when our daughter was ill, she came over and walked our dog. She would leave beer on the porch. She brought a candelabra when there was a power outage.

Pat Howell, Aspen Avenue, said she has known Jan for 39 years. I have some other perspectives on her. She had wonderful parties. She lived in apartments, houses, rentals, each more beautifully decorated than the last. She collected furniture and people. She's the reason I'm here. She pointed out my house.

Resolution 2005-32 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

**Resolution 2005-32
(Attached)**

Ms. Schwartz thanked everyone. Takoma Park is a great city. I came here 27 years ago, got involved and never quit. I ran for City Council. We have wonderful neighborhoods, and neighborhood associations, the co-op. You can get involved here. It all began because this is the kind of community where you can do these things. She thanked Takoma Park for the “graduate degree in civic activism.”

1. Community Center Update

Ms. Matthews reported that the RFP for the community plaza level go out approximately May 1. Bids will be due back June 1. Staff will bring the bids to Council on June 6. May 26 is the closing date for the Community Center bond. The completion date for the facility is still not certain. PEPCO’s schedule is unknown. The contractors will probably need at least four weeks once PEPCO has completed its work.

3. Report of the Residents Committee on Tax and Service Duplication Issues

Bruce Moyer and Dan Robinson, co-chairs of the Committee, presented the material. (PowerPoint presentation attached.)

Ms. Porter said we appreciate your work. This is an excellent report. I would like to have a strategy session on how to approach these issues with other governments and our own citizens. We could mount large scale effort, community wide, to try and implement this. I would like to see us put together a series of public forums and public discussions, to go into more depth with your recommendations.

Mr. Moyer said we recognize that the strategies are an extremely important piece. We believe there is an important role for us.

Mr. Robinson noted that these strategies may be useful to other municipalities.

Mr. Williams commented that, like the unification effort, this is an area for organizing, to get a more fair deal from the county and state. It will be shared with other municipalities as well. We will need to educate residents, county officials, and other municipalities.

Mr. Moyer noted that the police services work group was assisted by a study prepared for the City of Rockville. Just as that document was instructive to us, we would hope that our report would be a new resource for other municipalities in Montgomery County.

Mr. Elrich said there is a value in doing a presentation for other elected officials. You’ve gotten into the details. We’re not going to win this by ourselves, only by finding common ground with others. Some of this can be given to existing committees. I proposed that we look at our road maintenance schedule and calculate the impact of large institutions on roads and traffic. I would be interested in looking at other models in the state and in other states.

Mr. Barry commented that the report is very readable, concise, and thoughtful. It is beyond my already high expectations. It challenges an assumption, often heard, that it's terrible to pay as much tax as we do, that it is unfair to pay county and city tax at the same time. Just let the county do it. Your findings indicate that it is more complicated. How unfair the current situation is. The third observation is, the formulas are old and arbitrary, and based on very faulty cost assumptions. How detailed is the data behind your findings?

Mr. Moyer replied that it is difficult to give a general answer. In some areas, as with the police rebate formula that was negotiated three years ago, the formula is relatively sophisticated, but fails to cover a number of areas. The data is there, but needs to be raised up. With public works, the data is more confused.

A third person from TASDI commented on public works information. We found specific instances where they just plain missed it. It's not that our data is so good, I found some conceptual flaws in their approach. The data is what it is. The numbers we gave you are suggestive of the scale. Our methodology is developed by IGS at the University of Maryland. They have calculated information for other cities in Maryland. In Montgomery County, we don't count administrative costs.

Mr. Seamens commented that we presented this committee with a complex difficult task. It is impressive how, as a large committee, you were able to organize and coordinate, gain education and learn the subject, and get the information from the county. You worked through the information and came up with solid recommendations. There is balance and depth to the material. I hope you will feel an investment in this and continue to participate in the discussions.

Mr. Moyer said we had a lot of talent and brainpower on the committee. He expressed gratitude to Ms. Matthews and Ms. Ludlow for their orientation.

Mr. Robinson said we would be willing to work on the follow-up items, but our job is over.

Ms. Austin-Lane asked if there was any discussion on the committee as to how solid waste, recycling and leaf collection can be done more cheaply than the county does? My idea was that economies of scale would make it cheaper at the county level.

Committee members answered it is because of contractors. We're more efficient, not dealing with third party vendors.

Ms. Austin-Lane asked if there was consideration of a special taxing district?

Mr. Moyer said we didn't look at that, that is an option.

Ms. Austin-Lane said this was something many of us were agitating for. Some were skeptical. The committee took diverse viewpoints, stayed on track, and had rigorous discussions. I don't

want to lose the momentum. I hope you will continue to participate at the city level.

Mr. Moyer said we had a variety of viewpoints. The report is unanimously approved by the committee.

Ms. Mizeur commented that this is a concise narrative. This was a remarkable effort and something we had been asking for. She thanked Ms. Matthews for helping to coalesce the idea of a citizens committee. Ms. Mizeur commented this is something we will use. We will see discussions about your recommendations. I want to take more time to digest this. As we're thinking about this on a political basis, how would you say that we go to Bruce Rohmer, for example? How will he or someone like him react?

Mr. Moyer said I would hope and believe they are fair and honest dealers. It would not be unlikely for a county official to look for defects in the report. We're confident that these numbers will hold up. When we did not have data, we made very conservative assumptions.

Ms. Ludlow commented that the County Council has also asked for information on tax duplication.

Mr. Robinson said there are differences of opinion at the county level. When we started, we were presented with a formula by a county staffer. He was clear that their position was that we were being over paid.

Mr. Barry asked about the recommended reform to allow judicial review of formulas. Did you look at other similar instances where a judicial review was invited?

Mr. Robinson said both the income tax pass back and rebate formulas.

Ms. Porter said, thinking strategically, we need to reach the county, the state, other municipalities, and our own residents. People who understand the issues will be that much more helpful. I would suggest that we send the report out widely. I would welcome articles in the city newsletter. The report is very readable.

Mr. Williams suggested presenting the information to neighborhood associations. To the extent we can take this on the road, it will engage people more deeply than just the newsletter.

Mr. Moyer said our analysis was also devoted to alternative service delivery options. We would commend some of those options to you. They may be helpful in the next budget season, if not this one.

Ms. Porter said there would be a public process if Council were to make changes in service delivery. This is the right place to begin it.

BREAK

The Council recessed for a scheduled break at 9:50 p.m. and reconvened at 10:11 p.m.

4. Proposed FY06 Budget

Ms. Matthews and Mr. Hobbs provided a Power Point presentation (attached). Ms. Matthews noted that she had provided Council copies of her formal transmittal message this evening.

Ms. Porter announced that there will be a public hearing next week on the proposed FY06 budget.

Mr. Williams commented on the presentation. The \$580,000 debt service increase is a little bit misleading. Is it fair to say the actual increase in debt service is that less what we would have budgeted for street repair?

Ms. Matthews said before it would have been a capital cost; now, it is debt service and capital cost.

Mr. Seamens said in past years, some parts of the community center funding was accounted for outside of the fund. Has that been corrected?

Ms. Matthews said I looked back at the expenditures. There was around \$300,000 used before the community center fund was set up. I tried to take that into account. We could discuss with the auditor if there is a better way to go back, but there would be a cost involved.

5. Resolution re: Citizens Committee on Montgomery College Community Issues

Ms. Austin-Lane moved Version 2 of the resolution. Seconded by Mr. Williams.

Ms. Austin-Lane said the main thrust of the changes included expanding the committee to include residents and others to add one to three members with professional expertise. The total number is increased to nine to 11 members.

Resolution 2005-33 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Resolution 2005-33 (Attached)

6. 2nd Reading Ordinance re: Renovation Contract for 7133 Carroll Avenue

Motion by Elrich; second by Williams.

Jean Craig, 7129 Carroll Avenue, said she brought the Hevias' appreciation and thanks for this project. She thanked the City and the neighborhood for its strong and continued support.

Ordinance 2005-10 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance 2005-10
(Attached)

7. 1st Reading Ordinance re: Amendment of Chapter 13.12 Parking Meters

Ms. Daines explained that the ordinance is a follow-up to a discussion we had previously, to accommodate some of the recommendations made as a result of the Carroll Avenue Streetscape Project. The language allows seven additional parking meters,

Motion by Williams; second by Barry.

Ordinance 2005-11 was accepted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance 2005-11
(Attached)

8. 2nd Reading Ordinance re: Committee on the Environment

Mr. Williams moved the ordinance with the amendment of deleting the line in Section 2.15.210(D)(1) "Officers shall serve until the members determine the need for a change."

Catherine Tunis, said that at the April 12 Committee on the Environment meeting, members asked that the Council make additional changes to the ordinance. We would prefer five to nine members. We've always had resource people on the committee. We would like to retain the structure of having resource people. That would supplement the 5-9 members. We also ask that current members be appointed to the longer terms

Ms. Porter said Council will decide about appointment terms later, when we make appointments.

Mr. Seamens seconded the motion, and said he would support reinsertion of a sentence "to volunteer for 2-6 months, after which the committee may recommend . . ."

Mr. Williams said he prefers seven to eleven members.

Mr. Elrich said he would not support change returning internship to the ordinance. As to the number, 11 interested people is a good thing. There is no reason to restrict it to nine. Advertising in the newsletter okay. Agree with Ms. Porter, we will deal with the members' terms at appointment. I would recommend committee members get staggered terms.

Ms. Porter said we would continue to advertise vacancies as open. I'm loathe to support different language for this committee. I support the language as it stands in the document.

Ms. Austin-Lane said we should approve what we have in front of us. Thanks to the Council and the Committee. Having up to 11 members may allow more individuals with special expertise.

Ms. Tunis said a smaller number is easier to maintain over time. It is difficult to get a large number to participate over time.

Ms. Austin-Lane commented that with the Arts and Humanities Commission, which has 15 members, almost everyone was coming when they were doing exciting things. When the task at hand is less interesting, attendance drops off. She agrees that if a fewer number are interested over a sustained period, then we can change it.

Ms. Seamens said it is not difficult to have an upper limit of 11. It doesn't mean we have to find 11 to have the committee. The important thing is to be able to drop people who consistently don't attend.

Ms. Porter summarized that there is no consensus to change the wording, except as amended by Mr. Williams.

Ordinance 2005-9 was adopted (VOTING FOR: Porter, Austin-Lane, Barry, Elrich, Mizeur, Seamens, Williams).

Ordinance 2005-9 (Attached)

WORKSESSION

9. Home Buyer's Club

Linda Walker and Sara Daines were present for the discussion. Ms. Walker explained the program, originally anticipated to be funded by a grant. The program is high on our priority list. Fifteen people have signed up for the program so far. We can offer the program to 30 participants. The cost would be \$12,800.

Council discussed the proposal and expressed interest in proceeding. The City Manager was directed to come back to Council to see about funding this without committing FY06 monies before the budget is adopted.

ADJOURNMENT

The meeting was adjourned at 11:28 p.m.